

REMARKS

The Applicant respectfully requests reconsideration of the present application in view of the above changes to the claims and the following remarks, which are responsive to the Final Office Action mailed November 14, 2008.

I. Status of the Claims

In the Office Action, Claims 57-88 were noted as pending in the application; Claims 68-88 were noted as withdrawn; and Claims 57-67 were rejected. As a result of this response, Claims 68-88 have been canceled, Claims 57-67 remain pending, and Claim 57 has been amended in order to further clarify the claimed invention.

II. Election/Restrictions

In the Office Action, it was noted that a “complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144).” (Office Action, page 2). Accordingly, as noted above, Applicant has canceled unelected Claims 68-88.

III. Claim Rejections

a. 35 U.S.C. § 102(e)

In the Office Action, Claims 57-60, 62, 63, and 66 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,130,890 to Leinwand et al. (“*Leinwand*”). (Office Action, page 3). For at least the following reasons, Applicant respectfully requests that the rejection of Claims 57-60, 62, 63, and 66 under 35 U.S.C. § 102(e) be withdrawn.

i. Independent Claim 57

Independent Claim 57 has been amended to recite: “extracting geographic naming information for the first intermediate routing device, from a first part of a host name associated with the first intermediate routing device; comparing at least a part of the extracted geographic naming information for the first intermediate routing device to one or more of the plurality of

variations of geographic names stored in a database containing geographic naming information; and determining a geographic location of the first intermediate routing device based at least in part on the comparison.” Support for this amendment can be found at least on page 18, lines 3-11 of the application as filed.

Applicant respectfully asserts that *Leinwand* does not teach, suggest or make obvious at least these new recitations of independent Claim 57, as amended. Based on the foregoing, Applicant respectfully asserts that *Leinwand* does not anticipate independent Claim 57, as amended, and respectfully requests that the rejection of independent Claim 57 under 35 U.S.C. § 102(e) be withdrawn.

ii. Dependent Claims 58-60, 62, 63 and 66

Claims 58-60, 62, 63 and 66 depend from independent Claim 57 and include all of the recitations of Claim 57 and any intervening claims plus their additional recitations that further distinguish the art applied in the rejection. Thus, for at least the reasons set forth above with respect to independent Claim 57, it is respectfully submitted that dependent Claims 58-60, 62, 63 and 66 are further patentable over *Leinwand* as such dependent claims now depend from an allowable base claim.

b. 35 U.S.C. § 103(a)

In the Office Action, Claims 61, 64 and 65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Leinwand* in view of U.S. Patent No. 6,577,653 to Rochberger et al. (“*Rochberger*”). (Office Action, page 7). In addition, Claim 67 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Leinwand* in view of U.S. Patent No. 6,151,631 to Ansell et al. (“*Ansell*”).

Claims 61, 64, 65 and 67 depend from independent Claim 57 and include all of the recitations of Claim 57 and any intervening claims plus their additional recitations that further distinguish the art applied in the rejection. Thus, for at least the reasons set forth above with respect to independent Claim 57, it is respectfully submitted that dependent Claims 61, 64, 65

and 67 are further patentable over *Leinwand* as such dependent claims now depend from an allowable base claim.

Applicant further submits that neither *Rochberger* nor *Ansell* make up for the deficiencies of *Leinwand*. In particular, neither *Rochberger* nor *Ansell* teach, suggest or make obvious deriving a geographic location of a first intermediate routing device by “extracting geographic naming information for the first intermediate routing device, from a first part of a host name associated with the first intermediate routing device; comparing at least a part of the extracted geographic naming information for the first intermediate routing device to one or more of the plurality of variations of geographic names stored in a database containing geographic naming information; and determining a geographic location of the first intermediate routing device based at least in part on the comparison,” as recited in Applicant’s independent Claim 57, as amended.

In contrast, according to *Ansell*, a geopolitical territory can be determined by “pars[ing] the *last field of the domain name*.” (*Ansell*, col. 8, lines 43-44). In particular, according to *Ansell*,

In step 404 (FIG. 4), resolver 106 (FIG. 1) parses the *last field* of the domain name. Domain names generally have a number of textual fields delimited by periods, commonly referred to as “dot.” For example, the domain name for the World Wide Web server for the United States Patent and Trademark Office is “www.uspto.gov” in which three fields are “www,” “uspto,” and “gov.” The fields typically have a hierarchy such that each field is a subclassification of a domain name which follows. For example, “www.uspto.gov” is a subclassification of “uspto.gov.” Accordingly, the *last field* of a domain name specifies a superclassification which can designate a geopolitical territory.

In test step 406 (FIG. 4), resolver 106 (FIG. 1) determines whether the *last field* of the domain name specifies a geopolitical territory. Many domain names include as the *last field* a two-letter country identifier. For example, “.us” specifies the United States, “.ca” specifies Canada, “.jp” specifies Japan, etc.

(*Id.* at col. 8, lines 43-57, *emphasis added*). As clearly shown above, *Ansell* discloses use of the *last field* of a domain name to identify a geopolitical territory. *Ansell* does not teach or suggest “extracting geographic naming information ... from a *first part* of a host name,” as recited in Applicant’s independent Claim 57, as amended. (Independent Claim 57, *emphasis added*).

Rochberger likewise fails to teach or suggest the above recitations of Applicant's independent Claim 57. In fact, the Office Action relies on *Rochberger* for very different purposes. In particular, the Office Action relies on *Rochberger* as teaching "the use of selecting a route based on having the most available bandwidth and selecting the amount of bandwidth available at the destination[.]" (Office Action, page 7).

Based on the foregoing, Applicant respectfully asserts that dependent Claims 61, 64, 65 and 67 are patentable over *Leinwand* in view of both *Rochberger* and *Ansell* and respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

In light of the remarks above, Applicant respectfully submits that the application is in condition for allowance and respectfully requests that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 14-0629.

Respectfully submitted,

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